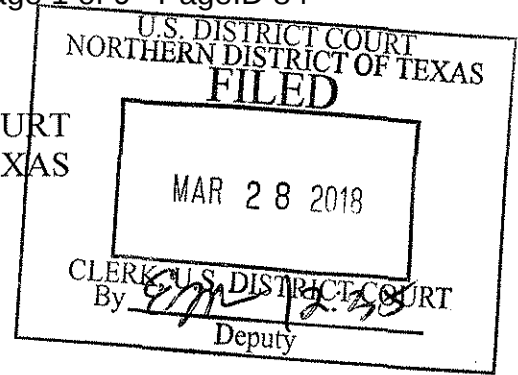


ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION



STANDARD INSURANCE COMPANY, §

Plaintiff, §

v. §

PHILLIP A. BOWLAND, §

Defendant. §

C.A. NO. 4:17-cv-994-A

PLAINTIFF'S REQUEST FOR CLERK'S ENTRY OF DEFAULT

Plaintiff Standard Insurance Company ("Standard"), pursuant to Federal Rule of Civil Procedure 55(a), submits to the Clerk of the Court this Request for Clerk's Entry of Default ("Request") against Defendant Phillip A. Bowland ("Defendant"), and states:

GROUND FOR ENTRY OF DEFAULT

When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit, the clerk must enter the party's default. FED. R. CIV. P. 55(a). As set forth in the Declaration of Ryan K. McComber, attached hereto as **Exhibit "A"** and incorporated herein for all purposes, entry of default against Defendant is appropriate for the following reasons:

1. On December 14, 2017, Standard filed its Original Complaint (Dkt. 1), in which it sought adjudication that Defendant's long-term disability insurance coverage under group long-term disability insurance policy no. 649087-C be cancelled and rescinded and held by the Court to be null and void as of the date of its issuance due to material misrepresentations on the application, as well as its attorneys' fees and court costs.

2. On January 20, 2018, Standard served copies of the Original Complaint and the Summons on Defendant by hand delivery through a process server (Dkt. 14; Dkt. 10), and he has not yet entered an appearance in this action or answered Standard's Complaint.

PROPOSED FORM OF ENTRY OF DEFAULT

Pursuant to Local Rule 55.3, Standard submits contemporaneously herewith a proposed form of entry of default, which is attached hereto as **Exhibit "B."**

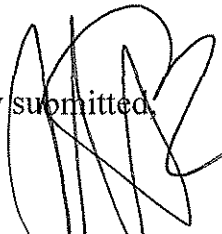
RELIEF REQUESTED

For all the foregoing reasons, Standard respectfully requests that the Clerk of the Court enter default against the Defendant in this matter.

Dated: March 27, 2018

Respectfully submitted,

By: _____


Ryan K. McComber
State Bar No. 24041428
ryan.mccomber@figdav.com
Cameron E. Jean
State Bar No. 24097883
Cameron.jean@figdav.com

Figari + Davenport, LLP
901 Main Street, Suite 3400
Dallas, Texas 75202-3796
(214) 939-2000 – telephone
(214) 939-2090 – facsimile

ATTORNEYS FOR PLAINTIFF

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

STANDARD INSURANCE COMPANY,	§	
	§	
Plaintiff,	§	
	§	
v.	§	C.A. NO. 4:17-cv-994-A
	§	
PHILLIP A. BOWLAND,	§	
	§	
Defendant.	§	

DECLARATION OF RYAN K. MCCOMBER

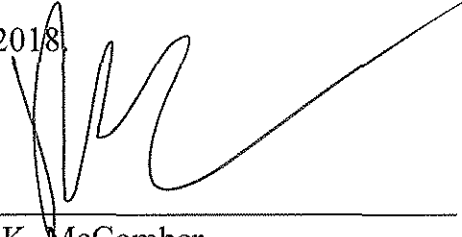
1. My name is Ryan K. McComber. I am a partner in the Dallas, Texas law firm of Figari + Davenport, LLP (“Figari + Davenport”). I am one of the attorneys representing Plaintiff Standard Insurance Company (“Standard”) in this action. By virtue of my experience as a lawyer and my representation of Standard in this case, I have personal knowledge of the facts stated below, and they are all true and correct.

2. On January 20, 2018, Standard served copies of the Original Complaint and the Summons on Defendant Phillip A. Bowland (“Defendant”) by hand delivery through a process server (Dkt. 14; Dkt. 10), and he has not yet entered an appearance in this action.

3. As set forth in the Declaration of Stephanie A. Young, RP, which is attached hereto as **Exhibit “1”** and incorporated herein by reference, Defendant is not on active military duty.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

EXECUTED on this 27th day of March, 2018.

A handwritten signature in black ink, consisting of a series of loops and a long, sweeping horizontal stroke at the end.

Ryan K. McComber

EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

STANDARD INSURANCE COMPANY,	§	
	§	
Plaintiff,	§	
	§	
v.	§	C.A. NO. 4:17-cv-994-A
	§	
PHILLIP A. BOWLAND,	§	
	§	
Defendant.	§	

DECLARATION OF STEPHANIE A. YOUNG, RP

1. My name is Stephanie A. Young, RP. I am over 18 years of age, of sound mind, capable of making this declaration, and personally acquainted with the facts stated herein. The facts and statements contained in this declaration are made on the basis of my personal knowledge and are true and correct.

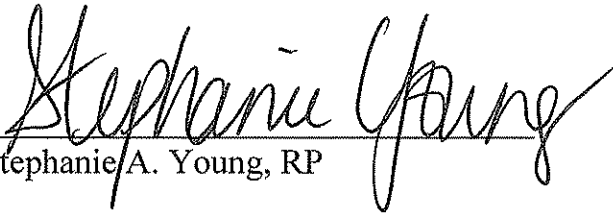
2. I am a paralegal with Figari + Davenport, L.L.P. In that capacity, I investigated the facts below.

3. On March 27, 2018, I ran the name Phillip A. Bowland with his social security number through the Servicemembers Civil Relief Act ("SCRA") web site for military verification, which is run by the Department of Defense, for the purpose of identifying individuals who are protected from suit by reason of their current service posting in the United States Military, Reserve, and Guard. According to that site, Phillip A. Bowland is not on active military duty.

4. Attached to this Declaration is a true and correct copy of the SCRA Certification verifying that Phillip A. Bowland is not on active military duty.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

EXECUTED on this 27th day of March, 2018.


Stephanie A. Young, RP



**Status Report
 Pursuant to Servicemembers Civil Relief Act**

SSN: XXX-XX-5926
 Birth Date:
 Last Name: BOWLAND
 First Name: PHILLIP
 Middle Name:
 Status As Of: Mar-27-2018
 Certificate ID: W4CXX7XWRQ2NRZS

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

Michael V. Sorrento

Michael V. Sorrento, Director
 Department of Defense - Manpower Data Center
 400 Gigling Rd.
 Seaside, CA 93955

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense (DoD) that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. ? 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service. Service contact information can be found on the SCRA website's FAQ page (Q33) via this URL: <https://scra.dmdc.osd.mil/faq.xhtml#Q33>. If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. ? 521(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC ? 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC ? 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC ? 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected

WARNING: This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

EXHIBIT B

STANDARD INSURANCE
COMPANY,

v. Civil No. 4:17-cv-994-A
PHILLIP A. BOWLAND

CLERK'S ENTRY OF DEFAULT

On this _____ day of _____, 20 18, it appearing from the affidavit(s)
in support of default of Ryan K. McComber, attorney for plaintiff, that each of the
defendants named below has failed to plead or otherwise defend herein as provided by the Federal
Rules of Civil Procedure;

Now, therefore, the DEFAULT of each of the following named defendants is hereby entered:
Phillip A. Bowland

By: _____
Deputy Clerk